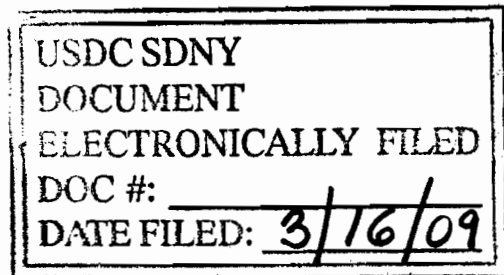


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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IN RE VIVENDI UNIVERSAL, S.A.  
SECURITIES LITIGATION

02 Civ. 5571 (RJH) (HBP)

**ORDER**

This Document Relates To:

ALL ACTIONS

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1. Regarding various pending motions before the Court, for the reasons the stated on the record at the conference held March 2, 2009, the following motions are granted or denied respectively:

Defendant Vivendi's objection to Magistrate Judge Pitman's Order of April 14, 2008 [480] is DENIED;

Defendants' motion for judgment on the pleadings [491] is GRANTED with respect to plaintiff GAMCO but DENIED with respect to the Liberty Media plaintiffs; the Court intends to issue an opinion stating its reasons at greater length;

Plaintiffs' motion concerning misleading mass mailing [565] is DENIED;

Defendants' motion to dismiss the complaints of various individual plaintiffs [580] is GRANTED with respect to plaintiffs' state common law claims and Section 14 claims but DENIED with respect to plaintiffs' Section 18 claims and subject matter jurisdiction;

Defendant Hannezo's motion to dismiss the claim against him for unjust enrichment [587] is GRANTED;

Defendants' motion for summary judgment against the Liberty Media plaintiffs [632] is DENIED;

Defendant Messier's motion for partial summary judgment [633] is DENIED;

Defendant Hannezo's motion for partial summary judgment [637] is DENIED;

Defendants' motion for partial summary judgment on certain of plaintiffs' claims [642] is GRANTED;

Defendants' motion for partial summary judgment for plaintiffs' failure to establish reliance [645] is GRANTED;

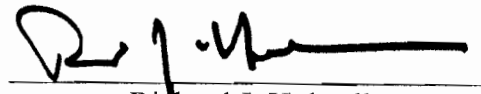
Plaintiff Liberty Media's motion for partial summary judgment on defendants' waiver defense [648] is GRANTED.

2. The Court has reserved decision on: defendants' motion for reconsideration of the Court's appointment of the Milberg firm as co-lead counsel [370]; defendant Vivendi's motion for partial reconsideration of the Court's order certifying a class [457]; class plaintiffs' motion for approval of class notice [465]; defendants' motion for summary judgment against the class plaintiffs, Liberty Media, and GAMCO for failure to establish loss causation [644]; defendants' motion for summary judgment against GAMCO for lack of standing [643]; defendants' motion for summary judgment against the individual plaintiffs for failure to establish loss causation [646]; defendants' motion for summary judgment against the individual plaintiffs for lack of standing [647]; plaintiffs' motion to strike the expert report of John W. Peavy, III; defendant Hannezo's motion to dismiss [584]; and certain individual plaintiffs' motion to lift stay [603].

3. The Court concludes that the provisional trial date of May 4, 2009 is unrealistic. Trial is adjourned to September 29, 2009. The parties, with the exception of Liberty Media, are directed to meet and confer and to propose a schedule for the resolution of all pre-trial matters by July 31, 2009.

SO ORDERED.

Dated: New York, New York  
March 13, 2009

A handwritten signature in black ink, appearing to read 'R. J. Holwell', is written over a horizontal line.

Richard J. Holwell  
United States District Judge